

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

HEATH HANSON
TX-1335186-R

§
§
§
§
§
§
§
§

DOCKETED COMPLAINT NO. 10-256
AND 11-173

AGREED FINAL ORDER

On the 9th day of November, 2012, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Heath Hanson (the "Respondent").

In order to conclude this matter, Respondent admits the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order.

FINDINGS OF FACT

1. Respondent is a Texas state certified residential real estate appraiser who holds certification number TX-1335186-R, and was certified by the Board during all times material to the above-noted complaints.
2. Respondent appraised real property located at: 1210 Windsor Road, Unit 123, Austin, Texas (the "Windsor property") (on or about March 29th, 2007), 8526 Woodstone Drive, Austin, Texas ("the Woodstone property") (on or about July 2nd, 2009) and 4410 Sinclair Avenue, Austin, Texas ("the Sinclair property") (on or about March 29th, 2007) (collectively, "the properties").
3. Thereafter complaints were filed with the Board on all three of the above-noted properties appraised by Respondent. The complaints alleged that the Respondent produced appraisal reports for the properties that did not conform to the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. Thereafter the Board notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaints. Respondent was also requested to provide certain documentation to the Board. Respondent's response was received.
5. The parties enter into this consent order ("Order") in accordance with TEX. OCC. CODE § 1103.458.

6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal reports for the properties:

- a) USPAP Ethics Rule (record keeping) -- Respondent failed to comply with the record-keeping provisions of the Ethics Rule for all three of the properties;
- b) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) -- Respondent failed to identify and report the site description adequately for the Woodstone property;
- c) USPAP Standards 1-2(e)(iv) & 2-2(b)(viii) -- Respondent failed to consider and report correctly the properties' zoning;
- d) USPAP Standards 1-3(a) & 2-2(b)(viii) -- Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends for the properties;
- e) USPAP Standards 1-4(a) & 2-2(b)(viii) & 1-1(a) & 1-4(a) -- Respondent failed to employ recognized methods and techniques in the sales comparison approach and did not collect, verify, analyze and reconcile comparable sales data for the properties;
- f) USPAP Scope of Work Rule; USPAP Standards 1-2(h) and 2-2(b)(viii) -- Respondent failed to explain and support his exclusion of the income approach for the Windsor property even though half of the units in that property were leased as of the effective date of the appraisal report. Respondent did not determine and perform the scope of work necessary to develop credible assignment results in the Windsor property appraisal; and,
- g) Respondent's reports for the properties contain substantial errors of commission or omission as detailed above which resulted in misleading appraisal reports for the properties.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3).
3. The parties are authorized to resolve their dispute by means of a consent order in accordance with Tex. Occ. Code §1103.458.

ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's Texas appraiser certification be suspended for a period of (24) twenty-four months, effective 5:00 p.m., November 9th, 2012

IT IS FURTHER ORDERED that beginning at 5:00 p.m., November 9th, 2012, the suspension is to be fully probated for (24) twenty-four months ending November 9th, 2014, subject to the following terms and conditions:

1. **EDUCATION.** On or before August 9th, 2013. Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance and have an exam. Respondent must receive a passing grade on the exam given in each class. None of the required classes will count toward Respondent's continuing education requirements for certification. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**
 - A. A minimum 7 classroom-hour course in Valuation by Comparison. This course may be substituted with 5 additional hours of mentorship, so long as the Respondent submits a notarized Board affidavit form signed by the approved certified USPAP instructor on or before the due date listed for education; and
 - B. A minimum 7 classroom-hour course in Mortgage Fraud.
2. **MENTORSHIP.** Respondent shall complete 18 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a notarized Board affidavit form signed by the approved certified USPAP instructor on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.
 - A. On or before January 9th, 2013, 6 hours of mentorship;
 - B. On or before March 9th, 2013, 6 hours of mentorship; and,
 - C. On or before May 9th, 2013, 6 hours of mentorship.
3. **LOGS.** On or before July 1st, 2014, Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board for the period January 9th, 2014 to June 9th, 2014. The log shall detail ***all*** real estate appraisal activities Respondent has conducted during that six month period. This log shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and accurate. Upon request from the Board, Respondent shall provide copies of his

appraisal reports and work files for any appraisal assignments Respondent performs during the course of this period of probation within twenty days of receiving any such request;

4. **NO TRAINEE SPONSORSHIP.** During the entire period of the twenty-four (24) month probationary period noted above, Respondent shall not sponsor any real estate appraiser trainees. Any current appraiser trainees Respondent sponsors shall be terminated immediately by filing the appropriate sponsorship termination paperwork with the Board no later than November 16th, 2012.
5. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
6. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in IMMEDIATE SUSPENSION of the Respondent's certification pursuant to notice to the Respondent from Board staff indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. A violation of these terms will automatically revoke probation and impose the aforementioned suspension for the entire term of the 24-month suspension, commencing on the effective date of the revocation of probation.

RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I UNDERSTAND ALL OF MY COMPLIANCE OBLIGATIONS UNDER THIS AGREED FINAL ORDER AND THE CONSEQUENCES FOR FAILING TO COMPLY WITH THOSE OBLIGATIONS.


I UNDERSTAND THAT THE BOARD AND ITS STAFF CANNOT PROVIDE ME WITH LEGAL ADVICE. I AM AWARE OF MY RIGHT TO A HEARING AND TO BE REPRESENTED BY AN ATTORNEY OF MY OWN CHOOSING, AND HEREBY WAIVE BOTH AND ALSO WAIVE ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED

FINAL ORDER, INCULDING FOR ANY SUBSEQUENT ACTION RESULTING FROM MY FAILURE TO TIMELY COMPLY WITH AN ADMINISTRATIVE REQUIREMENT OF THIS AGREED FINAL ORDER, SUCH AS PAYMENT OF A FEE, COMPLETION OF COURSEWORK OR FAILURE TO PROVIDE LOGS.


This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

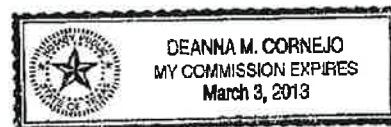
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 5th day of November, 2012.

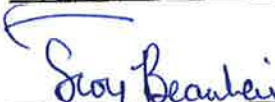

HEATH HANSON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 5 day of NOVEMBER, 2012, by, to certify which, witness my hand and official seal.



Notary Public Signature
DEANNA M. CORNEJO
Notary Public's Printed Name




Signed by the Standards and Enforcement Services Division this 9th day of November, 2012.


Troy Beaulieu, TALCB Managing Attorney

Signed by the Commissioner this 9th day of November, 2012.


Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 9th day of November, 2012.



Chairperson
Texas Appraiser Licensing and Certification Board